

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	19 <sup>th</sup> Sept 2019
Planning Development Manager authorisation:	AN	19 <sup>th</sup> Sept 2019
Admin checks / despatch completed	<i>YNE</i> <i>SSB</i>	<i>20/09/19.</i> <i>20/09/2019.</i>

**Application:** 19/00798/LBC **Town / Parish:** Mistley Parish Council

**Applicant:** Mr Kevin Day

**Address:** 9 The Green Mistley Manningtree

**Development:** Replace rotten front windows and door (like for like).

### 1. Town / Parish Council

Mrs Susan Clements At its Planning Committee Meeting on the 20th June 2019, the Parish Council recommended that the LPA's Conservation/Heritage Officer should make a delegated decision on this application.

### 2. Consultation Responses

Historic Environment Manager No information has been provided as part of the application indicating why replacement is the only method of approach (rather than preferred repair) nor has information been provided on the approach to the replacement (eg the retention of any original glass).

### 3. Planning History

16/01823/FUL	Single storey rear extension and alterations and the re-roofing of existing kitchen lean-to.	Approved	24.01.2017
16/01824/LBC	Single storey rear extension and alterations and the re-roofing of existing kitchen lean-to.	Approved	24.01.2017
19/00798/LBC	Replace rotten front windows and door (like for like).	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Description of Proposal**

The application seeks Listed Building Consent to replace the windows and entrance door to the front façade.

### **Listed Building**

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to

sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Listing is described as:

*Row of 12 cottages. Late C18, may be the almshouses built for Richard Rigby circa 1778. Red brick, gault brick dentilled eaves, central band and pilasters between each dwelling, excepting nos. 1-5 which are rendered. Red plain tiled roofs, hipped at each end. The entrance to No. 1 is to the left (west).return and has a separate hipped roof, with chimney stack to right. 6 ridge and 6 rear chimney stacks. 12 window range of various vertically sliding sashes. 11 mainly paired doors with pilasters between. No. 1 left return with 3 window range, central recessed porch with tiled dado. Some of the original 4 panel 2 light doors remain and also some small paned sash windows.*

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

Mistley owes much of its present appearance firstly to the Rigby family, owners of the Mistley Estate. Mistley combines its planned 18th century quarter with artisan's houses, either side of the remains of the giant Maltings and their quayside, and a further area of workers' houses to the south east.

Running south from the square is The Green, with White Horse House forming a prominent return elevation from Acacia House. On the north side are nos. 1 to 12, a charming two storey terrace in red brick, with small-paned sash windows with timber lintels, a clay-tiled roof, paired chimney stacks, yellow brick pilasters, and dentil and band courses.

The existing windows are single-glazed, wooden framed six over six pane sash windows in keeping with the ground/first floor along the front elevation of the terrace. The windows are vertically sliding sashes. The window frames and surrounding boxes appear to be original, the door is a later replacement. As a result of historic poor maintenance the windows and door now require replacement.

A concern was raised by the Historic Environment Manager that insufficient evidence had been submitted in regards to a condition survey that would have detailed whether the window frames were insufficiently damaged and could in fact be repaired. Following a subsequent site visit by a Senior Built Heritage Consultant it was ascertained that the window frames are beyond any viable repair. Additional plans were sought which detailed the size and profile of the window bars and these plans were submitted on 4<sup>th</sup> September 2019.

The fenestration arrangement and the overall design and colour of the window remains the same. The sash windows will be replaced like for like with new wooden six over six pane sashes. The door will be designed and made to replace the existing door. Although not original, the existing door is in keeping with many of the neighbouring properties – this will be maintained with a bespoke new door. The sashes and door will be to the same dimensions and design as the existing and will fit the existing openings. The woodwork for the new windows and door will be primed and painted white to match and uphold the existing appearance.

Overall the proposed replacement of fenestration to the front elevation would not result in the damage or loss of features of special architectural or historic interest and the special character and appearance or setting of the building would be preserved or enhanced; further, the development preserves the character and appearance of the Conservation Area

## 6. Recommendation

Approval - Listed Building Consent

## 7. Conditions / Reasons for Refusal

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: un-numbered elevation, received 6<sup>th</sup> June 2019 and scale profile window bar plan received 4<sup>th</sup> September 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new windows and doors and their surrounds to be used and indicating; materials, cross sections for glazing bars, sills, heads etc at a scale of 1:20, method of opening and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

## 8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO